

EPA

- ➔ **Enforcement Action still in progress** - we want EPA to use this as a vehicle for doing things that it would normally do, but also for things that it might do only because of the specific circumstances here. Specifically:

Closed landfill cells must be grid-tested for haz waste content
Soil and groundwater surrounding the active and closed landfills must be tested and monitored

Liner of active cells must be test for integrity/contamination
Landfill must get a RCRA permit for the waste it contains
Landfill must get s RCRA permit for the treatment and disposal of that hazardous waste

90-day storage of any hazardous waste residues/waters must get RCRA permit

Continuous fence line PM 2.5 monitoring, speciated for metals, using 30 and 60 min avg.

Stockpiles continuously covered from wind and rain by structures

- ➔ **Expired RCRA permit** - are TCEQ/city/company actions happening under the old permit or not? If they are, enforce them, and if they aren't, compel a new permit that covers them.
- ➔ **Closure vs Enforcement** - What are EPA's closure requirements? Are they at odds with what's being proposed for the landfill and other sites as closure activity under the guise of enforcement actions?
- ➔ **Flood Plain Wastes** - no pre-RCRA wastes left behind/capped. All of this waste must be removed from the flood plain.
- ➔ **Dec 7th TCEQ Action Plan** - Block/Overtake/Delay this Action Plan based on lack of RCRA authorization and narrow scope of investigation and remediation.
- ➔ **VCP/MSD** - unacceptable to literally parcel out bits and pieces of RCRA site for non-RCRA treatment. EPA should reject both.
- ➔ **Clean-up levels** - Region 6 should implement CDC's recommendations and require clean-up/closure to at least a uniform 250 ppm, if not 100 ppm.
- ➔ **Off-site contamination issues** - hotspot hotline and publicity for it. Investigation, sampling, and reporting protocol when hot spots are identified/confirmed. Digital Inventory of hot spots.

- 2009 EPA Enforcement concerns on ground cover

➤ **Public Participation** - we want to be cc'd on everything between state and EPA, and EPA and City; noticed 30 days in advance on all meetings, actions, opportunities for comments, including public hearings/meetings; assigning a staff person to serve as a community liaison and be a member of community oversight panel

➤ **More control** - establish a task force with TCEQ to *jointly* decide how to proceed on clean-up and closure at Exide, so that EPA, and citizens, can have more influence